

BRADLEY PAUL ELLEY, ESQ.
Nevada Bar No. 658
120 Country Club Drive, Suite 5
Incline Village, NV 89451
Telephone: (775) 831-8800
Facsimile: (775) 831-8807
bpelleylaw@sbcglobal.net

Attorney for Allen M. Dutra, CPA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

In Re DAVID JOHN KAPLAN
DAVID JOHN KAPLAN,

Plaintiff,

v.

SHARON ELIZABETH CONNELL;
CARLOS TOMAS ARAIZA; AND
JOSE RAMON NUNO-GODINEZ,

Defendants

Case No. 3:13-CV-145-RCJ-WGC

NOTICE OF SETTLEMENT

In consideration of mutual covenants between the parties in this matter, the following settlement has been reached:

1. The parties have agreed to settle the above-entitled action for the total sum of Seventeen Thousand Dollars (\$17,000.00) on the following additional terms:
2. Each side shall bear its own costs and attorneys fees;
3. All statutory and consensual health care provider liens, including but not limited to Medicare, shall be paid from the settlement funds;

1 4. That the final repair bill RO Number 11821, generated on April 25, 2013, in the
2 amount of \$505.56 for the partial repair of the damaged SUV operated by David John Kaplan at
3 the time of the May 4, 2010 incident shall be paid to Gilson Reno Auto Body LLC;

4
5 5. The terms of the formal settlement agreement shall be approved by the United
6 States Bankruptcy Court, District of Nevada Case No. 10-54568-GWZ, Chapter 7 on a noticed
7 hearing basis including notice being provided to all statutory and consensual lien health care
8 providers, David John Kaplan Debtor therein, and the appearing Defendants, Sharon Connell
9 and Carlos Araiza, by and through their counsel of record, RANDS, SOUTH & GARDNER, in
10 Case No. 3:13-CV-145-RCJ-WGC in the above-entitled court;

11
12 6. That upon approval of the settlement by the bankruptcy court the insurer for
13 Defendants Sharon Connell and Carlos Araiza, the said Defendants insurer, Workmen's Auto
14 Insurance Company, in accordance with automobile insurance policy number shall forthwith
15 pay the \$17,000.00, comprised of the \$15,000.00 bodily injury policy limit and \$2,000.00,
16 representing the entire property damage repair and a portion of the loss of use of property claim,
17 to the bankruptcy trust account as directed by U. S. Bankruptcy Trustee Allen M. Dutra, CPA
18 herein,

19
20 7. That the jury trial demanded in this action is waived;

21
22 8. That upon filing proof of approval of the settlement by the bankruptcy court and
23 receipt of the \$17,000.00 settlement funds this action shall be dismissed;

24 9. That in the event the bankruptcy court shall fail to approve the settlement, the
25 parties shall forthwith advise this court so that the jury trial can be scheduled and the pending
26 motion for sanctions can be ruled upon;

1 10. That in the event the parties shall fail to consummate the terms of the settlement
2 or to seek the rescheduling of the trial on or before August 31, 2014, this action shall be
3 dismissed.
4

5
6 Dated: February 18, 2014.

/s/ Bradley Paul Elley
BRADLEY PAUL ELLEY, ESQ.
Nevada Bar No. 658
120 Country Club Drive, Suite 5
Incline Village, NV 89451
Telephone: (775) 831-8800
Facsimile: (775) 831-8807
bpelleylaw@sbcglobal.net
Attorney for Allen M. Dutra, CPA,
U. S. Bankruptcy Trustee

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of the office of Bradley Paul Elley, Esq. and that, on February 19, 2014, a true and correct copy of **NOTICE OF SETTLEMENT** was served via the United States District Court CM/ECF system and a copy was sent by electronic notice to the following:

Douglas R. Rands, Esq.
RANDS, SOUTH & GARDNER
9498 Double R Blvd, Suite A
Reno, NV 89521

Attorneys for Defendants
CARLOS ARAIZA
And SHARON CONNELL

And by email to:

Allen M. Dutra, CPA
United States Bankruptcy Trustee
59 Damonte Ranch Parkway, Suite B299
Reno, NV 89521

amdtrustee@gmail.com

David John Kaplan
7455 Desert Plains Drive
Sparks, NV 89436

david.kap@sbcglobal.net

DATED: February 19, 2014.

/s/ Elizabeth Lintner
ELIZABETH LINTNER